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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 09/436,465 | 11/08/1999 | JUNICHI REKIMOTO | 112857-188 | 6689 |
| 29175 7590 12/31/2007 BELL, BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690 | | | EXAMINER TRAN, MYLINH T | |
| | | | ART UNIT 2179 | PAPER NUMBER |
| | | | MAIL DATE 12/31/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/436,465

Applicant(s)

REKIMOTO, JUNICHI

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received..

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/05/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Applicant's amendment filed on 10/05/07 has been entered and been carefully considered. Claims 44 and 52 have been amended. However, the limitations of the amended have not been found to be patentable over prior art of record, therefore, claims 44-59 are rejected under the same ground of rejection as set forth in the Office Action mailed (07/05/07).

Claim Objections

Claim 51 is objected to because of the following informalities: claim 51 is dependent on claim 40 which has been canceled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-48, 50-56 and 58-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Hochmuth [US. 2002/0075319].

As per independent claims 44 and 52, Hochmuth et al. teach a computer implemented method and corresponding system for information processing comprising the steps/means:

a plurality of different types of application programs, wherein each respective application program corresponds to its own application data in a desktop environment (page 2, 0020-0021);

a storage device for repeatedly storing the corresponding application data in a plurality of different stored states in the desktop environment, wherein each of said different stored state of said application data includes at least time information corresponding to at least one of a day and time at which said application data is stored in the desktop environment (0029);

a time setting means for setting at least one of desired day and time in which the state of one or more of the application programs is to be reproduced (page 2, 0023);

a receiving device for receiving the time information corresponding to at least one of a day and time (page 3, 0029);

a controller for locating, based on the received time information, a desktop environment containing the state of application data from the stored plurality of different sets of said application data at about at least one of said set day and time; and for reproducing the state of the application program by selecting the application the application data in located the desktop environment (page 3, 0024);

a transmitting device for transmitting time information when the state of application data for any of the application program is changed, wherein the time

information is processed according to the type of application program in which the state of application data has changed (0024);

As per claims 45 and 53, Hochmuth teaches the application program containing a file management program for managing files (figure 3).

As per claims 46 and 54, Hochmuth teaches said application program containing a position and time information management program for managing input position information and the time information corresponding to the position information (page 1, 0009 and page 3, 0032).

As per claims 47 and 55, Hochmuth teaches the application program being capable of multicasting said time information to said plurality of other application program belonging to a particular group (0030-0031).

As per claims 48 and 56, Hochmuth teaches said application program being an application started by a same user (pages 2-3, 0023-0024).

As per claims 50 and 58, Hochmuth teaches a display for displaying the desktop environment containing the plurality of different stored states of the application data (figure 3).

As per claims 51 and 59, Hochmuth teaches the application data being displayed as an icon or a tag corresponding to an application program (figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth in view of Wu et al. [6,633,924].

As per claims 49 and 57, Wu et al. discloses the application program operating on a different computer than said another application program (column 3, lines 42-51). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Hochmuth of plurality of different states as claimed with the teachings of Wu. Motivation of the combination is for the advantage of reliability, simplicity of the synchronization manager.

Response to Arguments

Applicant has argued that Hochmuth does not teach or suggest "the time information is processed according to the type of application program in which the state of application data has changed". However, the examiner respectfully disagrees because when a user accesses a program to execute it, or otherwise accesses a file via the GUI, that event is logged in a desktop event log. The desktop event log includes a reference to the program, or files and the date and time of the access (0009). The time information is processed according to the type of application program as programs or files. Hochmuth's figure 3 showed

plurality of different programs and files on the desktop. Each of the programs and files is recorded a different time stamp when the program or file is accessed. It is inherent that when the state of application data for any of the application programs is changed, the time information is processed according to the type of application program (programs or files as "Clock, File, Waste Basket, Printers, Agent...") in which the state of application data has changed. It is noted that the claimed language itself "according to the type of application program" is not specific and clear enough to describe the *invention specification*. The term of "the type of application program" is a broad term. During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Applicant also argued that Hochmuth does not teach or suggest the feature of "setting at least one of desired day and time in which the state of one or more of the application programs is to be reproduced."

However, in step 400, the files accessed via the graphical user interface are monitored. In a step 402, a reference to each file accessed, is stored in a log along with a time stamp indicating when the event occurred (0023). Whenever the file or program is accessed, a time stamp is recorded. The desired day and time is whenever time stamp of each program or file is recorded. Then, the application program or file is reproduced to display on the desktop again. After the file or the application program is accessed and recorded, the state of the file or the program has changed. Then, the state of the desktop environment contained the files and programs have been reproduced.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179



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SUPERVISORY PATENT EXAMINER